IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 71-1193

UNITED STATES OF AMERICA, *Appellant*,

v.

TRAVIS PAUL ENMONS, JACKIE J. BENDO, ED WAYNE BARTON, AND MILTON RAY WOODWARD, *Appellees*.

On Appeal From the United States District Court for the Eastern District of Louisiana

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BRIEF OF APPELLEES IN OPPOSITION TO MOTION OF AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION TO FILE BRIEF AS AMICUS CURIAE

Appellees oppose the motion of the American Newspaper Publishers Association to file a brief as *amicus curiae* in support of the position of appellant, the United States.

1. The proffered brief is altogether out of time. Rule 42(2) of this Court's Rules provides that an

amicus brief shall be "presented within the time allowed for the filing of the brief of the party supported." The movant proposes to file a brief in support of appellant, the United States. The brief for the United States was filed on or about July 20, 1972, following an extension of time of approximately three weeks. The motion, therefore, comes about seven weeks after the Government's brief was filed and about ten weeks after such brief was originally due. Probable jurisdiction was noted by the Court on May 15, 1972. Movant, therefore, had more than two months within which to file a timely brief, and no reason justifying so untimely filing is given.

2. Appellee's brief is due to be filed on September 20, 1972, and is now in the last stages of preparation. Except by leave to file a supplemental brief, appellees will have no opportunity to respond to the *amicus* brief. No reason is suggested why appellees should either be denied the opportunity to reply or be put to the burden of a last-minute effort to respond.

3. The movant shows no distinguishing interest in the issues in this case, and it particularizes no matter which it proposes to brief which is relevant to decision of the case. Its representation that "newspapers in the past have been plagued with violence directly associated with the collective bargaining process", if accurate, gives it no special insight into the meaning of the Hobbs Act. It further asserts that application of the Hobbs Act to strike violence standing alone would be an "effective remedy" to control its incidence, and that state law fails to provide an effective remedy. Neither assertion, if supportable, is relevant to ascertaining the right reading of a statute confined to "robbery or extortion." In short, rather

transparently, the movant proposes to write a committee report to support an argument of what in its view the law should be, not a brief to support an interpretation of what an existing law does mean.

For these reasons the motion for leave to file a brief as *amicus curiae* should be denied.

Respectfully submitted,

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